



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Benoit De Crombrughe et al.

Serial No.: 09/734,329

Filed: November 30, 2000

For: MASTER BONE FORMATION  
TRANSCRIPTION FACTOR:  
COMPOSITIONS AND METHODS OF  
USE

Group Art Unit: 1636

Examiner: Terry Alan McKelvey

Atty. Dkt. No.: UTXC:666US

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CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS SEQUENCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
July 22, 2003	_____
Date	Steven L. Highlander

**STATEMENT AS REQUIRED UNDER 37 C.F.R. § 1.825(a) AND (b)**  
**AND STATEMENT AS REQUIRED UNDER 37 C.F.R. § 1.821(g)**

MS SEQUENCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

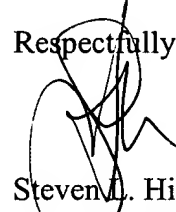
Commissioner:

Submitted herewith is a substitute computer readable form and a substitute paper copy of the sequence listing of those sequences in the captioned patent application, wherein minor errors have been corrected. The substitute computer readable form of the sequence listing is the same as the substitute paper copy of the sequence listing. The sequence information provided in the

Specification is also the same as the sequence listing of the enclosed substitute computer readable and paper forms of the sequence listing.

In accordance with 37 C.F.R. § 1.821(g), it is herewith represented that no new matter is included with this submission.

Respectfully submitted,



Steven L. Highlander  
Reg. No. 37,642  
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.  
600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: July 22, 2003



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,329	11/30/2000	Benoit de Crombrughe	UTXC:666US/10020509	3826

7590

04/22/2003

Matthew S. Bellinger  
Fulbright & Jaworski L.L.P.  
Suite 2400  
600 Congress Avenue  
Austin, TX 78701



EXAMINER

MCKELVEY, TERRY ALAN

ART UNIT PAPER NUMBER

1636

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER	
ART UNIT	PAPER

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Commissioner of Patents and Trademarks

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s): This application fails to comply with the requirements of 37 C.F.R. § 1.821(d). The application refers to sequences without the use of the correct identifier. For example, at page 110, Figures 1A-1, 1A-2, 1B, 2A, 2B, etc, the application sets forth sequences without sequence identifiers. Other parts of the application have the same problem. Applicants must carefully review the entire application to identify and properly label each sequence that is referred to within the application, including drawings. Note: Figure 1B sets forth 16 sequences. Sequences in drawings can be identified with a SEQ ID NO: in the Brief Description of the Drawings for the figure or be present in the figure itself. Because one or more sequences are referred to in the specification that are not present in the Sequence Listing, then a new Sequence Listing, a new CRF diskette containing the Sequence Listing and a new statement that the two are the same and includes no new matter must be submitted in order to fully comply with the Sequence Rules.

Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period. Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.

Also, it should be noted that the Brief Description of the Drawings do not correspond with the drawings. For example, Figures 1A-1F in the brief description refer to expression of Osterix mRNA in skeletal cells. These figures are not the figures filed in the instant case. The figures that correspond to Figure 1 that are filed are Figures 1A-1, 1A-2, and 1B, each of which does not fit the description of the brief description of Figure 1. This problem should also be addressed because several of the figures that are misidentified also have sequences.

Any inquiry concerning rejections or other major issues in this communication or earlier communications from the examiner should be directed to Terry A. McKelvey whose telephone number is (703) 305-7213. The examiner can normally be reached on Monday through Friday, except for Wednesdays, from about 7:30 AM to about 6:00 PM. A phone message left at this number will be responded to as soon as possible (i.e., shortly after the examiner returns to his office). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Remy Yucel can be reached on (703) 305-1998. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

*Terry A. McKelvey*  
TERRY MCKELVEY  
PRIMARY EXAMINER